

CONGRESSIONAL RECORD SUMMARY

Monday, October 7, 2002

SENATE

Measures Introduced:

S. 3067. A bill *to amend title 44, United States Code, to make Government information security reform permanent*, and for other purposes; to the Committee on Governmental Affairs.

"...We must ensure that Federal agencies continue to protect their assets and prevent hackers and cyberterrorists from wreaking havoc with citizens' sensitive information, such as taxpayer data, veterans' medical records, and social security portfolios. We must not let this law expire..."

Thompson

Pages S 10040, S 10051

Committee Meetings:

Committee on the Judiciary: *Committee concluded hearings to examine the nominations of Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia, Mark E. Fuller, to be United States District Judge for the Middle District of Alabama, Robert G. Klausner, to be United States District Judge for the Central District of California, Robert B. Kugler, to be United States District Judge for the District of New Jersey, Ronald B. Leighton, to be United States District Judge for the Western District of Washington, Jose L. Linares, to be United States District Judge for the District of New Jersey, William E. Smith, to be United States District Judge for the District of Rhode Island, after the nominees testified and answered questions in their own behalf. Mr. Fuller was introduced by Senators Shelby and Sessions. Mr. Smith was introduced by Senator Chafee.*

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Committee Meetings for Tuesday, October 8, 2002:

Committee on the Judiciary: *@ 10:00 a.m. Business meeting to consider pending calendar business. SD-226.*

Page D 1050

Committee on the Judiciary: *@ 2:00 p.m. To hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act. SD-226.*

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Remarks:

Nomination of Miguel Estrada.

Specter

Pages S 10031-33

21st Century Department of Justice Appropriations Authorization Act.

Biden

Pages S 10034-35

Achievements of the Senate Judiciary Committee.

Leahy

Pages 10036-37

HOUSE

Bills Introduced:

H.R. 5556. A bill *to amend the National Child Protection Act of 1993*, and for other purposes; to the Committee on the Judiciary.

Foley

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H.R. 5559. A bill *making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003*, and for other purposes.

Rogers

Page H 7171

H.R. 5564. A bill *to amend the Controlled Substances Act with respect to the placing of certain substances on the schedules of controlled substances*, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Sweeney

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H.R. 5565. A bill *to amend the Social Security Act with respect to the employment of persons with criminal backgrounds by long-term care providers*; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Thompson

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H.J. Res. 116. A joint resolution *to recognize the rights of consumers to use copyright protected works*, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Cox

Page H 7172

Reports Filed:

Reports were filed today as follows:

Supplemental report on H.R. 5400, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States *concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank* (**H. Rept. 107-720, Pt. 2**);

H.R. 5422, to prevent child abduction, amended (**H. Rept. 107-723, Pt. 1**);

Pages H 7171, D 1047

H.R. 4561 - Protection of Privacy by Federal Agencies:

H.R. 4561, to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals;

Pages H 7030-33, D 1047

*"... Importantly, **the bill contains a judicial review provision** to ensure that Federal agencies adhere to its requirements. In this respect **H.R. 4561** mirrors regulatory enhancements to the Regulatory Flexibility Act, which require Federal agencies to consider the potential impact of proposed legislation and regulations on small businesses. Furthermore, unlike existing Federal statutes which protect against the unauthorized disclosure of personal information obtained by the Federal Government, the Federal Agency Protection of Privacy Act prospectively ensures that Federal agencies consider the privacy impact of proposed rules before they become binding Federal regulations. This bill reflects a spirit of commitment to privacy rights by providing the American public a mechanism which simply requires an agency to give advanced notice and opportunity to comment on how rules issued by Federal agencies will affect their personal privacy..."*
(Sensenbrenner, page H 7032)

H. Res. 569 - Support for the President's 2002 National Drug Control Strategy:

H. Res. 569, expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States;

Pages H 7038-41, D 1047

H.R. 4685 - Accountability of Tax Dollars:

H.R. 4685, amended, to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements;

Pages H 7041-43, D 1047

H.R. 3340 - Catch-Up Contributions to the Thrift Savings Plan:

H.R. 3340, amended, to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over (agreed to by a yea-and-nay vote of 372 yeas with none voting "nay," Roll No. 442);

Pages H 7056-58, H 7130, D 1048

H.R. 5335 - Tony Hall Federal Building and Courthouse, Dayton, Ohio:

H.R. 5335, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse;"

Pages H 7141-43, D 1049

H.R. 5331 - Protection of the Privacy Rights of Home Schooled Children:

H.R. 5331, to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights;

Pages H 7143-44, D 1049

H.R. 5083 - Santiago E. Campos United States Courthouse, Santa Fe, New Mexico:

H.R. 5083, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse;"

Pages H 7150-51, D 1049

H.R. 2672 - Wayne Lyman Morse United States Courthouse, Eugene, Oregon:

H.R. 2672, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse;"

Pages H 7151-53, D 1049

Suspensions--Proceedings Postponed:

The House completed debate on the following motions to suspend the rules. Further proceedings were postponed until Tuesday, Oct. 8:

S. 2690 - *Affirming One Nation Under God in the Pledge of Allegiance: Amended, to reaffirm the reference to one Nation under God in the Pledge of Allegiance;*

Pages H 7028-29, D 1049

*"...It is an accepted legal principle that government acknowledgment of the religious heritage of the United States is consistent with the meaning of the establishment clause of the first amendment. The U.S. Supreme Court has repeatedly affirmed this principle in its rulings. Yet, on June 26, 2002, a three-member panel of the United States Court of Appeals for the Ninth Circuit held unconstitutional, in *Newdow v. U.S. Congress*, a California school district's policy and practice of teacher-led voluntarily recitation of the Pledge of Allegiance, concluding that the use of the phrase 'one Nation under God' violates the establishment clause of the first amendment. The *Newdow* ruling is troubling because its analysis to reflect a belief that any religious reference presents an inherent danger to individuals who hear it, the result of which would be the banishment of all such references from the public arena. Clearly, this is inconsistent with any reasonable interpretation of the establishment clause of the first amendment. Thus, it has become necessary for Congress to reaffirm its understanding that the text of both the Pledge and our national motto are legally and historically consistent with a reasonable interpretation of the first amendment..." (Sensenbrenner, page H 7029)*

H.R. 5422 - *Child Abduction Prevention: Amended, to prevent child abduction;*

Pages H 7048-53, D 1049

"...Mandatory minimums have been studied and been found to distort the sentencing process, discriminate against minorities, and waste the taxpayers' money. Even Chief Justice Rehnquist, who is no flaming liberal when it comes to crime issues, has decried the effects of mandatory minimum sentences on a rational sentencing process and states that mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to be 'tough on crime.' Just as frequently, they do not involve any careful consideration of the effect they may have on sentencing guidelines as a whole..." (Scott, page H 7051)

Committee Meetings for Tuesday, October 8, 2002:

Committee on Government Reform: @ 2:00 p.m. Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, oversight hearing on *"The Use and Abuse of Government Credit Cards at the Department of the Navy."* 2247 Rayburn.

Committee on the Judiciary: @ 4:00 p.m. Subcommittee on Crime, Terrorism and Homeland Security, hearing on **H.R. 2929, *Bail Bond Fairness Act of 2001.*** 2237 Rayburn.

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Next SENATE MEETING: Tuesday, 9:00 a.m., October 8, 2002.

Next HOUSE MEETING: Tuesday, 9:00 a.m., October 8, 2002.

OLA: S. Schwarz, A. Santos